

महाराष्ट्र राज्य मानवी हक्क आयोग



**Maharashtra State Human Rights Commission
(MSHRC)
Mumbai**

Allotted to Court No. : 1/ 2/ 3
DOCKET SHEET

DOCKET SHEET

SVO MOTU CASE NO: 117/13/20/2023

News item appeared in Marathi News Paper "PUDHARI"

On 30.11.2022, in respect of "तुर्भे येथील उद्यानाची दुरुवस्था"

SUMMARY

पुढारी

Case No. 117/13/20/202

म.प. मुंबई

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30-11-2022

तुभे येथील उद्यानाची दुरवस्था

उद्यानात जाण्यास मनाई; रहिवाशांमध्ये संतापाची भावना

नवी मुंबई: पुढारी वृत्तसेवा

तुभे सेक्टर २१ येथील ज्ञानेश्वर वाळूज या उद्यानाची देखभाल व्यवस्थित केली जात नसल्याने त्याची दुरवस्था झाली आहे. जनतेच्या पैशातून बनवलेल्या या उद्यानाला टाळे लाण्यात आले आहे. तसेच येथे जाण्यास मनाई करण्यात आली आहे. यामुळे स्थानिक रहिवाशांमध्ये संतापाची भावना आहे.

या उद्यानाच्या दोन्ही बाजूंच्या दरवाजांना टाळे ठोकण्यात आले आहेत. त्यामुळे हे उद्यान पालिकेने बंद केले की अन्य कोणी? येथील नागरिकांना या उद्यानात चालण्यास, तसेच ज्येष्ठ नागरिकांना बसण्यास अटकाव केला जात आहे. इतकेच नव्हे, तर लहान मुलांना खेळण्यासाठी आत जाऊन दिले जात नाही. परिणामी या परिसरातील लहान मुले संध्याकाळच्या वेळेला रस्त्यावरती



नवी मुंबई: तुभेतील कै. ज्ञानेश्वर वाळूज उद्यानाची दुरवस्था झाल्याने तिथे जाण्यास रहिवाशांना बंदी घालण्यात आली आहे.

खेळतांना आढळतात. त्यामुळे अनेकदा रस्त्यावरील वाहतुकीमुळे किरकोळ अपघातही झाले आहेत. याचा फटका स्थानिक रहिवाशांना बसत आहे. या उद्यानामध्ये बाकड्यांची दुरवस्था झाली आहेत. तसेच उद्यानामधील गवतही मोठ्या प्रमाणात वाढले असून झाडांची

नियमित छाटणी केली जात नाही. परिणामी डासांचा प्रादुर्भाव देखील वाढला आहे. याप्रकरणी उद्यान विभागाच्या वरिष्ठ अधिकार्यांनी लक्ष घालून उद्यानाची देखभाल दुरुस्ती करून ते जनतेला खुले करून द्यावे, अशी मागणी केली जात आहे.



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MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai - 400 001

Tel : 22092857 Email:- court1-mshrc@mah.gov.in

KKT/Suo Moto Case No.- 117 /13/ 20/2023

Name of Respondent

:1 The Municipal Commissioner
Navi Mumbai Municipal Corporation
Navi Mumbai

2 The Collector
Raigad

Date

: 4th January 2023

Coram

: Justice K.K. Tated, Chairperson

PROCEEDING

Not on board. Taken on board.

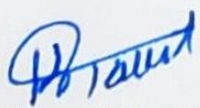
1. We noticed news appeared in Marathi News paper Pudhari (My Mumbai) Page 3 dated 30.11.2022 with heading "तुर्भे येथील उद्यानाची दुरुवस्था; उद्यानात जाण्यास मनाई; रहिवाशांमध्ये संतापाची भावना".

2. In the said news item it is stated that neither the Municipal Corporation nor Government is maintaining the garden at Turbhe known as Lt. Dyaneshwar Valunj. There is no provision for sitting and for WC. Even instruments in the said garden is in damaged condition. Because of that neither Senior Citizen nor children can use the said garden. Apart from that both the entrances are blocked by the Municipal Corporation for last several years.

3. Considering these facts stated in the said news Commission decided to take up this matter as suo moto under

Section 12 of the Protection of Human Rights Act, 1993. Hence, following order is passed:

- a) Office is directed to issue summons to the Municipal Commissioner, Navi Mumbai Municipal Corporation, Collector, Raigad calling upon them to hold inquiry and submit their affidavit in reply on or before 31.01.2023.
- b) **Matter to appear on board before Division Bench of Justice K.K. Tated, Chairperson and Shri. M. A. Sayeed, Member in Court No.1 on 31st January 2023 at 11.00 a.m.**


(Justice K. K. Tated)
Chairperson



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9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai – 400 001

Tel : 22092857 Email:- court1-mshrc@mah.gov.in

DIVISION BENCH

Suo Motu Case No.– 117/13/20/2023 | 3646.

Name of Respondent : Municipal Commissioner
Navi Mumbai Municipal
Corporation, Navi Mumbai

Collector
Raigad

Date : 22nd June 2023

Coram : Justice K.K. Tated, Chairperson
M.A.Sayeed, Member

ORDER

(Per: M. A. Sayeed, Hon'ble Member)

A news article in Marathi local newspaper 'Pudhari' dated 30.11.2022, criticized the Corporation and Government for having turned a blind eye in maintaining public garden at Turbhe known as Late Dnyaneshwar Walunj Garden.

2. Since the subject involved the rights of the public in general, suo motu cognizance u/s. 12 of the act of 1993 came to be taken by the Commission and summons were issued to the stakeholder departments. Accordingly, affidavit in reply at Ex. 'A' & Ex. 'B' came to be submitted by the respondents. Pertinent to note that on behalf of respondent corporation Adv. Shirke asserted by relying on affidavit of Shri Rajesh Narvekar, Municipal Commissioner

that garden in question is fully functional, equipped with all basic amenities and facilities as highlighted in para 8 to 10 of the affidavit. It is relevant to note that the photographs of the garden also came to be annexed with this affidavit.

3. In order to ascertain the authenticity of the bold statements made by Adv. Shrike, this Commission was pleased to direct the Commissioner of Police, Navi Mumbai to carry out inspection of the garden and submit detail affidavit in reply as regards its condition, availability of the amenities etc vide order 02.05.2023.

Accordingly CP, Navi Mumbai through its officer Shri Anjum Bagwan (PI Crimes), APMC Police Station submitted affidavit in reply elaborating in para 3 to 5 as under:

"3. I say that according to order passed by Hon Chairperson, on 12/06/2023 I along with Sr PI Tanveer Shaikh of APMC Police station at 18:40 hrs visited Late Dynaneshwar Walunj Udyan, sector 21, Turbhe along with 2 panch witnesses. On our visit we found the Udyan to be functional and citizen of the area were sitting on the benches whereas children were playing. On making enquiries with the citizens it was informed by them that the Udyan is open on all days from morning 05.30 to 10.00 am and in the evening from 05.30 to 09.00 pm. The Udyan is in the center of residential buildings constructed by CIDCO. The lawn, trees benches are well maintained. Panchnama of the said Udyan has been drawn and photograph are ennexed herewith Exb - A & B.

4. The dimensions of Udyan according to NMMC are 65×10.5 meters, adjacent to the Udyan towards north is a playground for children having an open gym with equipments which are in good condition.

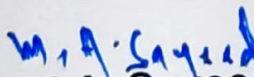
5. I say that according to order passed by Hon Chairperson, map of Late Dynaneshwar Walunj Udyan

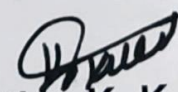
along with work order issued to D.B.Infratech, B 13 - 14, Avanti Apartment Haridas Nagar, Shimpoli Road, Borivali (West) Mumbai for maintenance of said Udyan has been obtained from Assistant Municipal Commissioner, D Ward Turbhe and is annexed herewith as Exb-C"

4. Thus it can be seen that the above statements is in tuned with the statement asserted by the Municipal Commissioner. We are of the opinion that the suo motu compliant as such deserves to be closed. Hence following order:

"ORDER"

- a) The present Suo Motu case stands closed and disposed off with no order as to cost.


(M.A. Sayeed)
Member


(Justice K. K. Tated)
Chairperson